

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED
for Roanoke
OCT 29 2010
JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

SAMUEL ROBERT CONRAD, III,
Plaintiff,

Civil Action No. 7:10-cv-00440

v.

By: Hon. Jackson L. Kiser
Senior United States District Judge

BETTY AKERS, et al.,
Defendant(s).

ORDER

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

that the complaint is **DISMISSED without prejudice**; plaintiff's motion to appoint counsel is **DENIED as moot**; and the action is **STRICKEN** from the active docket of the court. Plaintiff may refile the complaint as a new and separate action at the time he can pay the \$350 filing fee or file the necessary documents to proceed in forma pauperis.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to plaintiff.

ENTER: This 29th day of October, 2010.

Jackson L. Kiser
Senior United States District Judge